

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
In Admiralty  
Civil Action No.: 7:23-cv-00170-BO-BM

**In the Matter of:** )  
Edwin Clary Bartlett, Sr., Owner of )  
2012 Grady-White 257 Fishermen, )  
For Exoneration from and/or )  
Limitation of Liability )

**CONSENT ORDER ON CONSENT  
MOTION TO CONSOLIDATE**

Upon consideration of the Parties Consent Motion to Consolidate, the Court hereby finds as follows:

- 1) On 14 December 2022, Yvonne Elliot filed a lawsuit in this Court against Edwin Clary Bartlett, Sr. (“Bartlett Sr.”), Edwin Clary Bartlett, Jr. (“Bartlett, Jr.”) and Sandra Isenhour Bartlett (“Mrs. Bartlett”) under file no. 7:22-cv-217-BO-RN (the “2022 Lawsuit”).
  - 2) Elliot’s allegations in the 2022 Lawsuit concern a 9 June 2022 boating casualty involving a Grady-White fishing Vessel (the “Vessel”) allegedly owned by Bartlett, Sr. and Mrs. Bartlett and operated by Bartlett, Jr. on a voyage from Wrightsville Beach, NC to Southport, NC and back to Wilmington, NC (the “Voyage”) during which Elliot claims she was injured.
  - 3) Mrs. Bartlett was dismissed from 2022 Lawsuit by stipulation of dismissal entered on 13 July 2022. *See* 2022 Lawsuit at [D.E. 21].
  - 4) Bartlett Sr. raised the Limitation of Liability Act (46 U.S.C. §§ 30501-30512) and Rule F of the Supplemental Rules for Admiralty and Maritime Claims as affirmative defenses in

in the 2022 Lawsuit pursuant to which he sought exoneration from or limitation of his liability regarding the Voyage and alleged casualty. *See* 2022 Lawsuit at [D.E. 12] at Affirmative Defenses No.'s 4 & 5.

- 5) The remaining Parties to the 2022 Lawsuit have been engaged in discovery, having exchanged written discovery, taken depositions and exchanged expert witness disclosures.
- 6) On 28 February 2023, Bartlett Sr. filed a Complaint for Exoneration from or Limitation of Liability in the above captioned action (the “Limitation Action”).
- 7) On 29 June 2023, Elliot filed a timely Answer and Claim pursuant to Rule F(5) of the Supplemental Rules for Admiralty and Maritime Claims in the Limitation Action. *See* [D.E. 8].
- 8) The 2022 Lawsuit and Limitation Action involve the same Vessel, Voyage and alleged boating casualty, include the same parties (i.e., Bartlett, Sr. and Elliot), and have the same legal issues (i.e., Bartlett Sr.’s liability for the casualty and whether he can limit his liability or be exonerated from it pursuant to the Limitation of Liability Act and Supplemental Rule F). As such, both the 2022 Lawsuit and the Limitation Action involve common questions of law and fact.
- 9) If actions before the Court involve common questions of law or fact, the Court may consolidate them pursuant to Fed. R. Civ. P. 42(a)(2).
- 10) The 2022 Lawsuit and the Limitation Action are hereby consolidated into a single case (the “Consolidated Case”).
- 11) Pursuant to the Parties agreement, the Consolidated Case shall operate and proceed to trial under the Scheduling Order entered into in the 2022 Lawsuit on 13 March 2023 at [D.E. 19].

12) Since the Scheduling Order entered in 2022 lawsuit will govern the Consolidated Case, the Order for Discovery Plan filed in the Limitation Action at [D.E. 9] on 6 July 2023 is rendered moot and is hereby withdrawn.

It is so ordered.

Date: 31 Aug 2023

*Terrance Boyle*  
Hon. Terrance W. Boyle  
United States District Judge